AFRICA SECURITY BRIEF

Playing Ostrich: Lessons Learned from South Africa's Response to Terrorism

BY HUSSEIN SOLOMON

◆ **South Africa has come to occupy a central node in global terror networks in recent years.**

◆ **Despite growing evidence of the risks posed, South Africa has been slow to adopt and implement a more robust counterterrorism policy.**

◆ **Creating the political will to address this threat will require independent oversight of national intelligence efforts and an objective assessment of the terrorism risk in order to make counterterrorism a national priority.**

HIGHLIGHTS

[South Africa] is a perfect place to cool off, regroup, and plan your finances and operations. The communications and infrastructure are excellent, there is a radical Muslim community, and our law enforcement is overstretched.
—Gideon Jones, former head of the Criminal Investigation Unit of the South African Police Service[1]

From terror financing to access to safehouses and fraudulently acquired South African passports and identity documents to the provision of paramilitary training as well as the use of its territory as an operational base to strike at other countries, South Africa is emerging as an increasingly attractive terrorist haven. This reality came to the fore with the case of Haroon Rashid Aswat in 2005. Aswat was detained in Zambia after his phone number appeared on all four of London's July 7, 2005, suicide bombers' cell phones. Indeed, it emerged that he exchanged a number of phone calls with each of them while in

South Africa just days before the attack.[2] This resulted in analysts questioning whether there was an operational link between Mohammed Saddiq Khan, who led the suicide cell in London, and Aswat in South Africa.

The Americans, too, had an interest in Aswat; he stood accused of attempting to establish a military training camp in Seattle, Washington,[3] as well as in Bly, Oregon, in 1999. Zambian investigators also reported that Aswat informed them that he was a bodyguard to Osama bin Laden. Aswat himself denies all charges, pointing out that he earns a living

Report Documentation Page		*Form Approved* *OMB No. 0704-0188*

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE **JAN 2011**	2. REPORT TYPE	3. DATES COVERED **00-00-2011 to 00-00-2011**
4. TITLE AND SUBTITLE **Playing Ostrich: Lessons Learned from South Africa's Response to Terrorism**		5a. CONTRACT NUMBER
		5b. GRANT NUMBER
		5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)		5d. PROJECT NUMBER
		5e. TASK NUMBER
		5f. WORK UNIT NUMBER
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **National Defense University,Africa Center for Stratgic Studies,300 Fifth Avenue, Building 21 Ft. Lesley J. McNair,Washington,DC,20319**		8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT **Approved for public release; distribution unlimited**

13. SUPPLEMENTARY NOTES

14. ABSTRACT

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT **unclassified**	b. ABSTRACT **unclassified**	c. THIS PAGE **unclassified**	**Same as Report (SAR)**	**8**	

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std Z39-18

from selling Islamic CDs and DVDs at flea markets. However, investigators were unconvinced, arguing that such an occupation was unlikely to finance the amount of traveling Aswat had done.[4] Further research revealed that Aswat was the assistant to terrorist ideologue Abu Hamza al Masri of the notorious Finsbury mosque in London, where a number of terrorists had received training, including the infamous "shoe bomber" Richard Reid. Abu Hamza al Masri, in turn, was also linked to al Qaeda groupings in both Yemen and Algeria.[5]

The issue of South Africa as an operational base and a transit and conduit for international terrorists to their target country also emerged in the case of Tunisian al Qaeda suspect Ihsan Garnaoui in 2004. Garnaoui was an explosives expert who trained in Afghanistan and was "promoted" to an al Qaeda trainer.

> **"lessons from South Africa's experience are relevant to other African countries that have long downplayed the terrorist threat only to see al Qaeda affiliates take root"**

He held several South African passports in different names (including Abram Shoman and Mallick Shoman) and traveled via South Africa to Europe where he was accused of planning bombings of American and Jewish targets.[6] Most of Garnaoui's preparation for these attacks took place in South Africa where he purchased sophisticated military-grade binoculars with an integrated digital camera, diagrams, and instructions for the assembly of detonators, as well as setting up networks in Berlin while still in South Africa.[7]

The use of South Africa as an operational base and transit point was further revealed in the case of Mohammed Gulzer in July 2006. He and seven other men were accused of attempting to down at least seven passenger jets flying from London across the Atlantic by assembling bombs made of hydrogen peroxide–based explosives smuggled aboard the planes in soft drink bottles. Gulzer was the leader of the group and flew to London via South Africa.[8]

Despite these increasingly clear indications of its expanding role in global Islamist terror networks, why has South Africa been slow to adopt and implement a more robust counterterrorism policy? Lessons from South Africa's experience are relevant to other African countries that have long downplayed the terrorist threat only to see al Qaeda affiliates take root in recent years.

IT ALL STARTED OUT SO WELL . . .

In the aftermath of 9/11, Pretoria immediately denounced the terror attacks on the United States and offered Washington both humanitarian assistance and the full cooperation of its security agencies. The terrorist atrocity in the United States was also one of the catalysts for South Africa to reexamine its own domestic terror laws.[9]

The need for this kind of legislation emanated from not only such seminal events as 9/11, but also the urban terror campaign conducted by local Islamists that ravaged Western Cape Province in the 1990s. South Africa's adoption of the Anti-Terrorism Act in 2002 also sought to integrate the country's numerous pieces of antiterrorism legislation into one coherent and comprehensive law as well as to align these with international instruments of terrorism,[10] such as United Nations Security Council Resolution 1373, which affirms that any act of international terrorism constitutes a threat to global peace and security.

South Africa also brought the issue of terrorism to the fore in its bilateral relations. In October 2006, during a meeting with Indian Prime Minister Manmohan Singh, former President Thabo Mbeki declared that the two countries would share intelligence to help prevent terrorist attacks.[11] This underscored the notion that terrorism constitutes a global threat and that only by acting in partnership can the international community eradicate this scourge.

Yet, despite the initial positive steps and rhetoric emanating from Pretoria, a gap between promise and performance has emerged, resulting in South Africa

Hussein Solomon is Senior Professor in the Department of Political Science at the University of the Free State, South Africa, and a Visiting Professor at the Global Collaboration Centre at Osaka University, Japan.

suffering from a credibility gap in the area of terrorism. What explains this deemphasis on terrorism?

One factor is the seeming naiveté exhibited by some senior South African policymakers on the issue of terrorism. In July 2004, two South Africans were caught in an al Qaeda safehouse in Pakistan with a senior al Qaeda commander. Responding to reports from Pakistani authorities that they were planning to attack targets in South Africa, the Deputy Foreign Minister at the time stated, "anybody who has any sense would know that South Africa had taken consistently correct positions on issues like the Middle East and the war on Iraq, and there was no reason why anyone would want to attack it."[12] The reasoning behind this position would seem to be that we are safe from terrorism because of our "consistently correct" foreign policy positions vis-à-vis the Middle East.

But there are other reasons to question the rationale for such dismissiveness. The urban terror campaign conducted by local Islamists in the 1990s in the Western Cape as well as various attempts to commit terror attacks since indicate that something more sinister was going on. The 1990s bombing campaign not only targeted the U.S. Consulate in Cape Town and Western-associated restaurants such as Planet Hollywood but also synagogues, moderate Muslims, gay nightclubs, and very importantly the organs of the South African state itself. In August 1998, there was an explosion outside the offices of the police special investigation task team, and in September 1998, the judge presiding over a case involving a member of the People Against Gangsterism and Drugs (PAGAD) was assassinated.[13]

POLITICAL CORRECTNESS

Political correctness, shaped by South Africa's unique history, continues to characterize the perspective of many in the country's political establishment and undermines the fight against the scourge of terrorism. Former Minister of Intelligence Ronnie Kasrils stated, "we guard against a rising international hysteria which serves to portray all Muslims as potential targets. The cry of 'a terrorist in every Madrassah' echoes the 'red under the bed' and '*swart gevaar*' [black danger] phobia of the Cold War and the apartheid era. We must never repeat such witch hunts in

our country."[14] This ideological reasoning refuses to recognize the qualitative difference between the armed struggle against apartheid and the current global jihadist scourge. Indeed, it besmirches the noble struggle against the apartheid regime. While there was the infamous Magoos Bar bombing, attacks on soft targets were not countenanced by the African National Congress (ANC) leadership.[15] The idea that one targets innocent diners in a restaurant or passengers on a bus was anathema to the ANC. In this way, the ANC

> **"political correctness, shaped by South Africa's unique history, continues to characterize the perspective of many in South Africa"**

was able to maintain the moral high ground. Even more important is the limited goals of the ANC—a democratic, nonracial South Africa—compared to the global ambitions of radical Islamists who seek to establish a global Muslim caliphate.[16]

POLITICIZATION OF INTELLIGENCE

Another problem keeping South Africa's intelligence services from focusing on counterterrorism is their politicization. Indeed, since at least 2005, agencies such as the National Intelligence Agency (NIA) have been at the forefront of claims that the executive branch was using state structures to further its political goals.[17] Small wonder that a 2008 Intelligence Ministerial Review Commission found that "We are concerned that NIA's mandate may have politicized the agency, drawn it into the realm of party politics, requiring it to monitor and investigate legal political activity."[18] The combination of weak checks and balances and a broad mandate gave the intelligence bureaucracy the room to spy on those opposed to the president. The outgoing Minister of Intelligence who had commissioned the intelligence review also urged the ruling ANC to replace him with someone of the highest integrity owing to the sensitivity of the post. As the Minister noted, "The possibility of abuse of power by a rogue Minister or Director-General is immense."[19]

Accordingly, a factor in being unable to focus on terrorists operating inside South Africa is that the nation's intelligence agencies are preoccupied with domestic political targets. For example, in 2009, funds were cut off to the Deputy Director General for Operations of the NIA in an attempt to marginalize him. This meant that the individual who controlled the top-secret source register could not pay about 100 high-level sources. These sources included key intelligence relating to possible threats to the 2010 World Cup.

DOMESTIC SECURITY

In terms of South Africa's Anti-Terrorism Act, it is the South African Police Service that is the country's primary counterterrorism instrument. However, the state of the South African Police Service hardly inspires confidence. A 2008 report by 14 retired police commissioners found that the police suffered from inadequate planning and training, which impact the quality of investigations and result in low conviction rates. It also found that command and control was practically nonexistent.[20] Other notable findings were that:

- There is a shortage of detectives—3,343 nationally

- Many detectives are inexperienced and overextended, investigating 150 dockets or more

- The majority of detectives are not trained adequately, with 24 percent not having undergone a basic detective course.[21]

Meanwhile, the Department of Home Affairs, which is responsible for issuing passports and identity documents, has been frequently exploited by international terrorists both in South Africa and abroad.[22]

GROWING CRIMINALIZATION

There is increasing evidence to suggest that we are witnessing the growing criminalization of the state security apparatus. In August 2008, the National Prosecuting Authority handed Parliament a confidential document, which documented how former members of the security forces from both the apartheid regime and the ANC are involved in the training of paramilitary forces, arms smuggling, and organized crime.[23]

The infiltration of organized crime affects not only the political mandarins of state but also its security structure—notably the police. During 2008, 538 police officers were found guilty in internal hearings of crimes ranging from murder, rape, assault, theft, and corruption to alcohol and drug abuse.[24] In June 2010, for instance, media reports indicated that policemen from the Sharpeville and Sebokeng police stations were involved in cash-in-transit heists.[25] More telling than numbers, however, is the seniority of the police officials involved. In 2009, the head of Organized Crime in the West Rand, Senior Superintendent Dumisani Jwara, and two of his captains were arrested and accused of intercepting drugs en route to forensic laboratories and channeling them to the criminal underworld.[26] More importantly, there is every indication that this may be just the tip of the iceberg. According to a 2007 Institute for Security Studies survey of the police, "92% agreed that police corruption is a serious challenge, and 54% believed that corruption had increased in the previous four years. Over 70% stated that most members were aware of other members' involvement in criminal activity, while 68% believed that most officers would not report a member they knew to be corrupt."[27]

This holds serious implications for security since it opens a path for the infiltration and penetration of the state security apparatus by criminal elements. Such penetration, in turn, has knock-on consequences. For instance, why would foreign intelligence agencies fully share information with their South African counterparts when it could be passed on to organized crime syndicates? Moreover, given the growing nexus between organized crime and Islamist networks, such information might well find its way into the hands of radical Islamists.

EFFECTIVENESS

The nature and extent of the terrorist threat raise important questions as to the state of readiness of the South African security services.

In August 2009, the prosecution of two PAGAD members—Faizel Waggie and Shahied Davids—for the attempted bombing of the Keg and Swan

restaurant in November 2000 was quietly abandoned. It would seem prosecutors dropped the case since conversations of the accused were bugged illegally and the police had lied under oath. More importantly, the two alleged accomplices of Waggie and Davids—Yusuf and Fahiema Enous, who had turned state witness—were assassinated while in witness protection. Neither was this the first time that witnesses were killed. Ebrahim Gallie, who was to testify in another PAGAD-related trial in 2009, was abducted and later shot dead. Needless to say, this case, too, had to be dropped.[28] Here lies the rub: If witnesses are aware how unsafe witness protection is, will they come forward to testify? And if such witnesses do not come forward, can cases be successfully tried?

A structural problem may also exist within the intelligence community. Mid- and lower-level operatives who often risk their lives gathering information on these various Islamist groups often complain that their tip-offs and warnings are either ignored or not relayed to the higher echelons of policymakers.[29] Why is this so? Are there barriers that prevent certain kinds of actionable intelligence from getting to policymakers? Or does it actually get to policymakers but then is simply not acted upon? Whatever the reason, this is an issue that needs to be corrected as a matter of grave urgency.

AMBIGUITY IN THE COUNTERTERROR RESPONSE

Ambiguity also characterizes South Africa's counterterrorism "policy." For example, in October 2004 the National Intelligence Agency denied media reports that South Africa was being used as a base for al Qaeda operations. Yet in August 2005, the NIA warned that al Qaeda was possibly trying to set up networks in southern Africa and that it would be easy for them to attack harbors.[30] Independent experts attribute the mixed messages to Pretoria's reluctance to investigate its own Muslim community out of concern of alienating it.[31]

The mixed signals continue today. Following the closure of the U.S. Embassy and consulates as well as the offices of the U.S. Agency for International Development in September 2009 after a threat from al Shabaab's Cape Town–based cell, South Africa's

National Police Commissioner stated that police were investigating the threat and that there would be arrests. But he added the police had not ruled out the possibility of a hoax.[32] In fact, this episode did later lead to a joint operation involving senior police officers, members of NIA, and American agents,

"[corruption] holds serious implications for security since it opens a path for the infiltration and penetration of the state security apparatus by criminal elements"

which resulted in the arrest of militants linked to extremists in Somalia and Mozambique who were, in turn, linked to al Qaeda lieutenants in Afghanistan and Pakistan.[33]

STEPS FOR MOVING FORWARD

There can be no effective counterterror strategy without a professional intelligence service. The first step to achieving a strategy would be to depoliticize the intelligence community. Steps to do so are clearly outlined in the 2009 Ministerial Intelligence Review Commission. This Commission, among others, pointed out the incredibly wide mandate given to NIA to gather political intelligence and urged that NIA's mandate be narrowed to focus on "terrorism, sabotage, subversion, espionage, proliferation of weapons of mass destruction, organized crime and corruption and large-scale violence and drug-trafficking."[34] Focusing on a narrower mandate has the added advantage of not allowing the intelligence community to disperse their resources over too wide a scope. Moreover, through partnering with foreign intelligence agencies, training and the requisite transferring of skills may also assist in the creation of a professional intelligence service.

Another key element of a successful counterterrorism strategy is to redress the problems of ambiguity over the seriousness of the threat and seeming lack of political will. One means of doing this is to compile an objective assessment of the threat (that is, to generate a white paper on the threat of terrorism). Here, various government departments would

have to provide answers to strategic and operational questions involving:

- evaluating the actual threat level

- mapping the types of threats and relevant targets

- exploring new technological counterterrorism possibilities

- finding an equilibrium between liberties and security

- enhancing international counterterrorism cooperation

- informing society adequately without creating unnecessary fear.[35]

Such an evidence-based white paper might well be the answer for the discourse on the terror threat posed to South Africa (and other African countries that must overcome limited political will). In compiling the threat assessment objectively, policies that flow from the effort are relatively less likely to be tinged by personal biases and ideologies. Such a white paper may also help clearly signal that countering terrorism is a priority and provide the basis for synchronized efforts across the spectrum of government departments.

It is also important that the South African government move from reactive to more proactive (ultimately preemptive) measures to counter the threat of terrorism. It is, after all, less useful to apprehend and incarcerate terrorists after civilians have already been killed and maimed (as happened in the Planet Hollywood bombing).

On this point, it might be useful to look at the lessons in counterterrorism from selected European countries.[36] Key elements include a special relationship between the intelligence services and dedicated magistrates. In this way, cases do not have to crumble when suspected terrorists are hauled before court. As these magistrates are focused on issues of counterterrorism, they understand the limitations of the crimi-

nal justice system when dealing with acts of terror. Moreover, they understand the constraints under which counterterror officials labor and the need for quick responses to avert a terrorist atrocity. Second, acts of terrorism are seen as an autonomous offense attracting higher penalties. In this way, the law itself serves as a powerful deterrent. Third, the proactive nature of counterterrorism strategy is seen in the preemptive judicial approach being followed by the Europeans in the legal designation "conspiring to terrorism."[37] This proactiveness has been accompanied by nationwide security alert plans and preplanned extra security measures for public places and public transport. This was informed by the terrorists' penchant to strike European nations' transport systems, as was seen so graphically in the attack on London's subway system and the Madrid train bombings.

Understanding that the nature of the threat is constantly mutating, necessitating constant monitoring and engagement by all government institutions, the French, for instance, elevated the fight against terror to a national priority. As Ludo Block noted, all "government institutions actively searched for indications and information pointing to processes of radicalism in society."[38]

This objective may be further advanced by creating one central institution that is responsible for receiving all relevant terrorism-related information and developing a strategy for the country as a whole. This may minimize the mixed signals on terrorism emanating from different government bodies in South Africa. Importantly, members of this structure must be appointed on the basis of competence, not party loyalty. They must also be well-paid and well-vetted to prevent criminal or other elements from penetrating a sensitive security agency.

Although Africa could do well to learn from the European experience, it should be noted that proactive measures need to be seen on a continuum. While attempting to identify and disrupt processes of radicalism may suffice at the outset of proactive measures, what happens if one faces an already radicalized jihadist? Other proactive measures should then be taken. These could include disrupting terror finances, destroying weapons caches and information for training, and destroying training camps. Failing this, if a

trained, armed terrorist already exists with the financial resources to initiate the attack, then proactive measures further down the continuum would include isolating the target from the terrorist or the terrorist from the target or sabotaging the terror plan.[39] This, of course, would assume that through good intelligence one would know what the targets are, who the terrorists are, and what the plan is. For this reason, South African and other African states need to think long-term and have in place long-term human intelligence assets within jihadi structures.

CONCLUSION

Terrorism constitutes a ubiquitous global threat. Getting squeezed elsewhere, Islamist militants are increasingly finding the African continent an attractive place to operate. South Africa, with its relatively developed transport, telecommunications, and commercial infrastructure, is a particular favorite. The poor state of the country's security services coupled with the ideological approach of some of its political mandarins further emasculates any robust counterterrorism initiative. Yet international practice indicates that if Pretoria does manage to find its political will, it will be able to turn back the tide of the terrorist scourge.

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